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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,575

10/24/2003

Dany Sylvain

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27820

7590

11/15/2006

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P.O. BOX 1287

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EXAMINER

TIEU, BENNY QUOC

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/692,575		Applicant(s) SYLVAIN, DANY	
Examiner Benny Q. Tieu		Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8, 10, 11, 15, 17-25, 27, 28, 32, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Sands (U.S. Patent No. 6,631,188).

Regarding claim 1, Sands teaches a method for selectively controlling the provision of a call waiting alert in response to an incoming call when a user is participating in an active call, comprising:

- a. receiving an incoming call indication indicative of an incoming call intended for a user's telephone terminal (Fig. 5, 130);
- b. determining whether to provide a call waiting alert to the user's telephone terminal based on a call waiting rule set, which is customized for the user (Fig. 5, 136); and
- c. providing an instruction instructing a telephony switch whether to provide the call waiting alert to the user's telephone terminal (Fig. 5, 138 or 148).

Regarding claim 2, Sands further teaches the method comprising receiving information indicating the user is engaged in the active call (column 3, lines 59-67).

Regarding claim 3, Sands further teaches the method comprising receiving identifying information identifying a party with whom the user is engaged in the active call (column 6, lines 13-17).

Regarding claim 4, Sands further teaches the method comprising receiving information indicating that the user is no longer participating in the active call (column 6, lines 50-53).

Regarding claim 5, Sands further teaches the method wherein the instruction is adapted to instruct the telephony switch to provide the call waiting alert (column 6, lines 13-17).

Regarding claim 6, Sands further teaches the method wherein the instruction is adapted to instruct the telephony switch to forward the incoming call to a voicemail system for the user (column 4, lines 2-5).

Regarding claim 7, Sands further teaches the method wherein the instruction is adapted to instruct the telephony switch to send a busy signal to a caller initiating the incoming call (column 6, lines 43-47).

Regarding claim 8, Sands further teaches the method comprising receiving customizing information from the user to customize the call waiting rule set for the user (column 6, lines 17-27).

Regarding claim 10, Sands further teaches the method wherein the customizing information is received from a telephony terminal via an interactive voice response system (column 6, lines 17-27).

Regarding claim 11, Sands further teaches the method wherein the call waiting rule set is customized such that providing the call waiting alert is based at least in part on information identifying a caller initiating the incoming call (column 4, lines 49-57).

Regarding claim 15, Sands further teaches the method wherein the call waiting rule set is customized such that providing the call waiting alert is based at least in part on a relative priority or urgency associated with the incoming call (column 6, lines 1-13).

Regarding claim 17, Sands further teaches the method wherein the call waiting rule set is customized such that providing the call waiting alert is based at least in part on previous callers (column 3, lines 27-33).

Regarding claim 18, Sands further teaches the method wherein the incoming call indication is received from the telephony switch (column 4, lines 5-10).

Regarding claims 19-25, 27, 28, 32 and 34-36, the limitations of the claims are rejected for the same reasons as set forth in the rejection of claims 1-8, 10, 11, 15, 17 and 18 above.

3. Claims 1,9, 12-14, 16, 19, 26, 29-31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Gurgun (U.S. Patent No. 2002/0141559).

Regarding claims 1 and 26, Gurgun teaches a method and system for selectively controlling the provision of a call waiting alert in response to an incoming call when a user is participating in an active call, comprising:

- a. receiving an incoming call indication indicative of an incoming call intended for a user's telephone terminal (Fig. 6, 620);
- b. determining whether to provide a call waiting alert to the user's telephone terminal based on a call waiting rule set, which is customized for the user (Fig. 6, 640); and
- c. providing an instruction instructing a telephony switch whether to provide the call waiting alert to the user's telephone terminal (Fig. 6, 650).

Regarding claims 9 and 26, see paragraph [0015].

Regarding claims 12, 13, 29 and 30, see paragraphs [0019] - [0023].

Regarding claims 14 and 33, Gurgun further teaches the method and system wherein the call waiting rule set is customized such that providing the call waiting alert is based at least in part on a time, date, or combination thereof associated with the incoming call (Fig. 11).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yaker (U.S. Patent No. 5,784,448) teaches an advanced call waiting processing. Flood (U.S. Patent No. 6,415,026) teaches a method of and system for enhanced call waiting in a

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telecommunications network. Infosino (U.S. Patent No. 6,738,467) teaches a selective call waiting service. Baals et al. teach a selective call waiting.

5. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7490, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

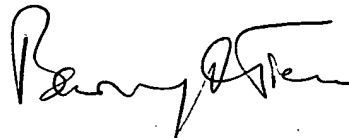
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Benny Q. Tieu', with a stylized flourish at the end.

Benny Q. Tieu
Primary Examiner
Art Unit 2614